

REMARKS

The Final Office Action mailed February 26, 2008, has been carefully studied. Filed herewith is an RCE, whereby the claims in the application are now claims 1-25 including new claim 25 dependent on claim 18. Applicant's claims define patentable subject matter and should be allowed, whereby applicant again respectfully requests favorable reconsideration and allowance.

Regarding the election of species requirement, applicant understands that claim 5, presently Withdrawn, will be given consideration upon the allowance of claim 3 from which claim 5 depends and which claim 5 incorporates.

Claims 1-4, 6-9, 11, 12 and 14-23 have been rejected as obvious under Section 103 from Ruffner in view of Stroup. The rejection is respectfully traversed.

An important feature of the present invention is the rigid bottom edge of the door for guiding, supporting and sealing of a second flexible door. Such an arrangement with a synergistic cooperation is not disclosed, nor suggested, in any of the prior art documents.

As correctly assessed by the examiner, Ruffner discloses a wall with a set of doors comprising a first flexible door and a second door having a rigid bottom edge with the flexible door at least partially being arranged between the second door and the wall. However, Ruffner does not show or teach that the flexible door is supported against the bottom edge of the second door when this second door is in the open position. All embodiments of the set of doors represented in the drawings of Ruffner have a free space between the bottom edge of the rigid door and the flexible door. Nor does Ruffner suggest that a seal is formed between the flexible door and the bottom edge of the rigid door.

Thus Ruffner certainly does not disclose or suggest that the bottom edge of the rigid door constitutes a guide surface. Ruffner also does not disclose or suggest that the flexible door is supported during its displacement against a guide surface provided on the wall above the bay.

Applicant's claim 1 and claim 18 require that the flexible door is supported against the bottom edge of the second door when the second door is in the open position and the flexible door is in its closed position.

Further, applicant's claim 15 requires that the flexible door is supported during its displacement against a guide surface provided on the wall above the bay or on the

bottom edge of the second door, when this second door is in the open position.

Stroup does not make up for the deficiencies of Ruffner. Thus Stroup discloses a door assembly comprising a single door.

According to the Examiner, Stroup discloses a door with a rigid bottom edge comprising a guide strip 9 on the wall 1 and a guide strip 20 on the bottom edge of the door 19. However, Stroup does not disclose that the strip 9 on the wall and the strip 20 on the bottom edge of the door constitute a guide strip. These strips are resilient seal strips (see column 2, lines 12-15). Stroup describes a door wherein the tracks of the door are swung rearwardly on the initial opening of the door (see column 2, lines 63-66). Consequently, the seal strips 9 and 20 must avoid contacting any moving surface during the displacement of the door. This is in line with the introductory part of the Stroup disclosure where it is stated explicitly that the object of the Stroup disclosed door assembly is to:

- provide a door without substantial frictional engagement with the seals (see column 1, lines 16-18);
- avoid wear of the seal members as may result from use (see column 1, lines 26-27);

- provide a door structure with means for initiating the opening of the door and the retraction thereof from the jamb seals, whereby positioning the door for free opening movement (see column 1, lines 36-40).

In fact, it seems clear that Stroup teaches against the presence of guide strips, or a guide surface, at the bottom edge of the door or on the wall above the bay. As stated above Stroup does not disclose guide strips, but instead avoids any frictional engagement with the seals. The strips disclosed by Stroup are solely intended for sealing purposes and are made of a resilient material such that these are not suitable or even capable of use as guide surfaces.

Therefore, the applicant respectfully requests Examiner to state exactly where Stroup discloses "guide strips", and requests the Examiner to point out the suggestion or motivation to combine this disclosure with Ruffner, when Stroup seems very clearly to teach against it. In the absence of that, applicant respectfully submits that rejection of the concerned claims on this basis is in error, and requests that the rejection on this basis be Withdrawn

Withdrawal of the rejection is in order and is respectfully request.

Claim 15 has been amended to place it in better form for U.S. practice. In particular the feature that "the

flexible door is supported during its displacement against a guide surface provided on the wall (4) above the bay (3)..." has been deleted from claim 15 and now is the subject matter of new claim 25.

Claims 10 and 24 have been rejected under section 103 as obvious from Ruffner in view of Stroup for the same reasons as applied against claims 1 and 15, further in view of Church. And claim 13 has been rejected as obvious under Section 103 from Ruffner in view of Stroup, again for the reasons applied against claim 1, further in view of Horner. These rejections are respectfully traversed.

First, the tertiary references have not been applied to make up for the deficiencies pointed out above with respect to the proposed combination of Ruffner in view of Stroup, and indeed do not do so. As the rejected dependent claims incorporate the subject matter of the claims from which they depend, the proposed combination would not reach the rejected claims even if such proposed combinations were obvious (not admitted), simply by virtue of the fact that the proposed combination would not reach even the independent claims 1 and 15.

More particularly as to claims 10 and 24, Church discloses using a cylinder as a guide surface provided on the

wall above the bay. As already mentioned above, Ruffner does not disclose the presence of a guide surface either on the wall above the bay or on the rigged bottom edge of the second door.

Since Ruffner does not suggest that the flexible door is supported or guided by the rigid bottom edge of a second door, there is no suggestion or motivation for the person skilled in the art to combine the teaching of Church with Ruffner in order to provide a guide surface on the bottom edge of the second door. As mentioned above, Stroup has only one door and does not have any guide surface for this door, and teaches against it.

As regards claim 13, applicants sees no relavence in Horner since neither Ruffner nor Stroup disclose or suggest that the flexible door is supported against the bottom edge of the second door, as already explained above.

Withdrawal of these rejections is in order and is respectfully requested.

Claims 18-24 have been rejected under Section 102 as anticipated by Miale. This rejection is respectfully traversed.

To better particularly point out and distinctly claim the invention as called for in claims 18-24, and to

better to comply with U.S. practice, claim 18 has been amended above, by adding the feature that the flexible door has driving means, comprising a drum, mounted above the second door. Support for this amendment is to be found in the drawing and also in paragraph [0082] of the publication of the present application.

It is clear that Miale does not have a guide surface at the bottom of the rigid door and that flexible door of Miale does not have driving means, comprising a drum, that are mounted above the rigid door. In fact, the flexible door of Miale and, in particular, the driving means of this flexible door are fixed to the bottom edge of the second door.

The arrangement of claim 14 is thus not disclosed by Miale and also is not suggested by Miale, but enables support of the flexible door against the bottom edge of the second door without being fixed to this bottom clearly an improvement.

The applicant respectfully requests allowance of claim 18 and the corresponding dependant claims, as Miale neither shows nor suggests the claimed subject matter.

An obvious clerical error has been corrected in the specification. Support is clear from the drawing and the specification.

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Applicant believes that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By

Sheridan Neimark
Sheridan Neimark
Registration No. 20,520

SN:jnj
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\C\CALL\COENRAETS10\PTO\20080-8-26AMD.doc

by Roger Browdy
R.O. # 25,618